



OFFICE OF THE  
SECRETARY

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555

IN RESPONSE, PLEASE  
REFER TO: M810512B

May 15, 1981

PDR Copy

MEMORANDUM FOR: Leonard Bickwit, General Counsel  
William J. Dircks, Executive Director for Operations  
B. Paul Cotter, Chairman, ASLBP  
Alan S. Rosenthal, Chairman, ASLAP

FROM: Samuel J. Chilk, Secretary *[Signature]*

SUBJECT: STAFF REQUIREMENTS - DISCUSSION OF REVISED LICENSING PROCEDURES,  
2:10 P.M., TUESDAY, MAY 12, 1981, COMMISSIONERS' CONFERENCE  
ROOM, D.C. OFFICE (OPEN TO PUBLIC ATTENDANCE)

I. SECY-81-202B - Revised Policy Statement on the Conduct of Licensing Proceedings

The Commission continued its discussion of the subject paper.

The Commission requested that OGC:

1. redraft Part III, Section D, to reflect (a) the Commission's concern over the abuse of the discovery process; and (b) the Commission's concern with the potential for extensive discovery maneuvers to delay the whole proceeding going forward; and
2. revise the language in Part III, Section A. Although the Commission decided not to attach a model schedule at this time, the language should, nonetheless, indicate the Commission's concern over the time lapse in proceedings and the need for the licensing board to establish and adhere to a reasonable schedule.

II. SECY-81-252 - Proposed Changes to 10 CFR Part 2--Analysis of Public Comments and Recommendations of NRC's Legal Offices and Licensing Panels

The Commission requested that:

1. OGC prepare, for Commission consideration, a final rulemaking based on the Commission's discussions of Proposals 2-6 of the subject paper; and
2. OGC draft language seeking comment on a proposed rule concerning the following subjects:
  - a. limiting the number of interrogatories that could be served without leave of the board. The background information should note that the Commission had gone out for comment on a proposed rule change to Part 2 that would have eliminated discovery

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against the NRC staff, but that the Commission is still looking at ways to ensure better control over the discovery process as a whole while still allowing reasonable discovery procedures. This item is an alternative to Proposal 1 of SECY-81-252;

- b. the use of air mail or air express as a means of reducing the time needed for the service of documents; and
- c. requiring a potential intervenor to set forth the facts on which he bases his contention and the sources or documents which he has used or intends to use to establish those facts. (See SECY-81-111B.)\* Commissioner Ahearne indicated that he would be attaching separate views on this matter.

The Commission also requested that OGC submit a proposal on the use of sua sponte powers as a possible fourth item for inclusion in the proposed rule.

cc: Chairman Hendrie  
Commissioner Gilinsky  
Commissioner Bradford  
Commissioner Ahearne  
Commission Staff Offices  
Public Document Room

\*This completes SECY action on SECY-81-111B, which it is anticipated will be superseded by the OGC paper forwarding the proposed rule, and SECY-81-111A, on which the Commission has been unable to reach a majority position.